

0001

01

01

02

02 SCRANTON CITY COUNCIL MEETING

03

03

04

04

05

05

06

06

07

07

08

08 Held:

09

09 Thursday, February 3, 2005

10

10

11

11

12 Time:

12 7:00 p.m.

13

13

14

14

15 Location:

15 Council chambers

16 Scranton City Hall

16 340 North Washington Avenue

17 Scranton, Pennsylvania

17

18

18

19

19

20

20

21

21

22

22

23

23 Lisa M. Graff, RPR

24 Court Reporter

24

25

0002

01

02 CITY OF SCRANTON COUNCIL:

03

04 MR. GARY DIBILEO, COUNCIL PRESIDENT

05

06 MS. JANET E. EVANS, VICE-PRESIDENT

07

08 MR. WILLIAM COURTRIGHT

09

10 MR. JOHN POCIUS

11

12 MARK WALSH, ESQUIRE, SOLICITOR

13

14 MR. JAY SAUNDERS, CITY CLERK

15

16 MS. KAY GARVEY, ASSISTANT CITY CLERK

17

18

19

20

21

22

23

24

25

0003

01 MR. DIBILEO: Please stand for

02 the Pledge of Allegiance. Please remain standing for a

03 short prayer. Kay, can we have a roll call, please?

04 MS. GARVEY: Mr. McTiernan.

05 Mrs. Evans.

06 MS. EVANS: Here.

07 MS. GARVEY: Mr. Pocius.

08 MR. POCIUS: Here.

09 MS. GARVEY: Mr. Courtright.

10 MR. COURTRIGHT: Here.

11 MS. GARVEY: Mr. DiBileo.

12 MR. DIBILEO: Here.

13 Just for the record, I have a letter here from

14 Councilman McTiernan informing us that he is unable to

15 attend this evening's meeting.

16 And before we dispense with the

17 reading of the minutes, a couple of weeks back

18 Councilwoman Evans proposed that we honor someone who

19 has done a lot of good for our community, and he
20 happens to a regular speaker at our meetings, and that
21 is Mr. Bob Bolus.

22 And Bob's here this evening, and I
23 have a proclamation here that I'll turn over to
24 Councilwoman Evans to read.

25 MS. EVANS: Whereas, the Council
0004

01 of the City of Scranton is desirous of honoring
02 Bob Bolus for his outstanding generosity during the
03 Christmas season each year; and whereas, Bob Bolus
04 holds a special dinner on Christmas Day each year for
05 people who otherwise would have nowhere to go for food
06 and fellowship; and whereas, this idea first came to
07 Bob many years ago as he experienced firsthand as a
08 truck driver being on the road during Christmas and
09 unable to be with friends and family or even finding a
10 place to have dinner since most establishments are
11 closed for the holiday; and whereas, knowing Christmas
12 Day is a very sentimental and emotional day for many to
13 face alone, Bob's wish was to be able to offer anyone
14 and everyone a place to enjoy the company of others
15 from the community and beyond for an upbeat and festive
16 have holiday meal; and whereas, the first dinner came
17 to fruition nine years ago after finding a home for it
18 at Saint Lucy's Church with blessings from Monsignor
19 Cottone, with Bob and a few friends volunteering to
20 help make it happen, over 150 guests were served; and
21 whereas, this past, year nine years later, more than
22 2,000 were in attendance.

23 Many people have come to rely on
24 and look forward to this annual event as their only
25 holiday celebration, all due to the kindness of
0005

01 Bob Bolus and his many volunteers and contributors, as
02 well as Reverend Chmiel, who now presides at Saint
03 Lucy's; and whereas, Bob has now extended an invitation
04 to truck drivers passing through the area to come and
05 enjoy a meal with others and in cooperation with the
06 American Trucking Association, the Canadian Trucking
07 Association and numerous transportation publications,
08 along with the State of Pennsylvania by putting the
09 natures of the dinner in all the public rest areas and
10 on the interstate system and the surrounding area
11 taking the dinner to a new level both nationally and
12 internationally, where he now has given people
13 traveling through our area the opportunity to share
14 Christmas with new friends and become part of our

15 family of Scrantonians.

16 Now, therefore, be it resolved

17 that on Thursday, February 3, 2005, Scranton City

18 Council wishes to acknowledge Bob Bolus for his

19 community service to the City of Scranton, be it

20 further resolved, that this proclamation be made a

21 permanent part of the minutes of this Council as

22 lasting tribute to Bob Bolus.

23 MR. DIBILEO: Thank you,

24 Mrs. Evans. That was a great idea that you had, and

25 congratulations to Mr. Bolus for a wonderful event that

0006

01 he puts on every Christmas Day.

02 And now if we can dispense with

03 the reading of the minutes, Mr. Walsh.

04 MR. WALSH: Yes. Third order.

05 3-A, A LETTER FROM THE SCRANTON-LACKAWANNA HUMAN

06 DEVELOPMENT AGENCY CONCERNING THE DESIGNEE OF COUNCIL.

07 MR. DIBILEO: Are there any

08 comments on 3-A?

09 MS. EVANS: Yes. I move that

10 William Gaynard be reappointed to the Lackawanna Human

11 Development Agency.

12 MR. POCIUS: Seconded.

13 MR. DIBILEO: We have a motion and

14 a second. Other the question? All those in favor of

15 introduction, signify by saying aye.

16 MS. EVANS: Aye.

17 MR. POCIUS: Aye.

18 MR. COURTRIGHT: Aye.

19 MR. DIBILEO: Aye. Opposed?

20 By a 4-0 vote, motion passes. Thank you.

21 MR. WALSH: 3-B, Clerk's notes.

22 MR. DIBILEO: Mr. Saunders,

23 please, if you would.

24 MR. SAUNDERS: President DiBileo,

25 the question was raised at last week about the cost of

0007

01 the DPW arbitration, the cost of that was \$3,100.50.

02 Last week Councilwoman Evans asked

03 about courts and alleys that were plowed and were not

04 plowed throughout the city that did not satisfy some of

05 the residents, I received a letter back from

06 George Parker, Director of Public Works, and he said

07 the intensity and the duration of the snow storm

08 dictates how quickly alleys will be cleared and courts

09 will be cleared. Roadways are cleared in priority.

10 The main arteries and collectors are done first, the

11 alleys are done and addressed last.

12 He said by the time they get to

13 some of the alleys that are driven on and walked on on

14 the sidewalk areas, that it's already plowed down, so

15 when they do plow it, it doesn't look like as clear as

16 the streets. That's because they go in priority by

17 the --

18 MS. EVANS: But they will be

19 plowed?

20 MR. SAUNDERS: Yeah.

21 MR. SAUNDERS: Also, last week

22 Councilwoman Evans asked about the bridges being

23 cleared. I got a response back from Mr. Parker about

24 that. He said the Lackawanna Avenue bridge is still

25 being cleared. There's a lot of buildup on that

0008

01 bridge. He said, also, the Mulberry Street side

02 bridge, that some of that fronts private property, and

03 also along with the DPW, the Scranton School District

04 helps them clear that out.

05 Another question that was asked

06 about the Spruce Street Complex bridge, that's Pittston

07 Avenue and Jefferson Avenue, that's maintained by

08 PennDOT.

09 Olive Street and Capouse Avenue,

10 that's cleared by public works, they cleared that, and

11 that is also done by the school district and private

12 owners.

13 A couple of these bridges and

14 bridge areas are not only maintained by DPW, but it's

15 also in conjunction with the school district and also

16 some of these are in the power of PennDOT. That's all

17 I have, Mr. President.

18 MR. DIBILEO: Thank you,

19 Mr. Saunders.

20 MR. WALSH: Fourth order, citizen

21 participation.

22 MR. DIBILEO: Prior to calling up

23 the first speaker, I just have three requests. Please

24 refrain from making remarks of a personal nature, keep

25 remarks related to city business matters, and finally,

0009

01 please be mindful of our time constraints by not having

02 your comments exceed five minutes. And that would be

03 greatly appreciated.

04 And our first speaker is

05 Les Spindler.

06 MR. SPINDLER: Good evening,

07 Council. Les Spindler.

08 MR. DIBILEO: Good evening.

09 MR. SPINDLER: Couldn't make it

10 last week, but first of all, I want to thank

11 Mr. Walsh for all the research he did on the deeds and

12 also Chris Phillips. Chris did a tremendous amount of

13 research. Nobody even knows how much he did. He spent

14 hours and hours. I want to thank those guys for all

15 the work they did.

16 And now I want to get into what

17 Attorney Kelly had to say about this. Attorney Kelly

18 might be a good attorney, but when it comes to this

19 case, he doesn't really know, because he doesn't have

20 the facts. I'm going to prove him wrong right now.

21 To quote him, in the paper he

22 said, this is Attorney Paul Kelly says, Those who added

23 the restrictive language in the handwritten deeds which

24 date back to late 19 century could not have imagined

25 that there would be pools and other amenities at the

0010

01 park.

02 Well, when the deed was written,

03 Lake Lincoln was already there, and that's a pool. And

04 plus, I did read the second deed that Mr. Walsh found,

05 and in there it said it does allow for improvements and

06 development.

07 A pool is an improvement. So,

08 Mr. Kelly is wrong. That's just his opinion, but it's

09 not a fact. The facts are what I just said.

10 Another thing, he said, We had

11 fees for so long, if there was a violation, the heirs

12 would have done something about it, Mr. Kelly said.

13 The reason the heirs haven't done

14 anything is because the heirs are a local bank here, a

15 local bank runs the estate, and plus no one else has

16 pursued the issue Now we're pursuing the issue.

17 I've spoken with a lot of people,

18 if this isn't resolved, if the fees aren't done away

19 with, this will be taken to court.

20 If it's taken to court, according

21 to the deed, the city is going to lose Nay Aug Park.

22 If it loses Nay Aug Park, there will be no use for the

23 Scranton Recreation Authority, since their sole duty is

24 looking after Nay Aug Park.

25 So, I think Mr. Kelly better

0011

01 re-think this and get rid of these fees, because he's

02 wrong. That's all I have to say on that.

03 One other thing about the bridges,
04 one bridge wasn't mentioned, Mr. DiBileo, you mentioned
05 it last week, was the Linden Street bridge, I know for
06 a fact that's PennDOT's responsibility.
07 MR. DIBILEO: Is that right?
08 MR. SPINDLER: Yeah. Because I
09 used to have to walk over that, and I've complained.
10 I've seen PennDOT cleaning it, and they just cleaned it
11 Tuesday, which was, like, nine days after the storm.
12 That's PennDOT's responsibility.
13 The next thing, I happen to see a
14 little, read a little about the mayor's State of the
15 City Address. The mayor was blowing his horn saying
16 how great the city is doing with development downtown,
17 and he mentioned Aventis Pasteur and Southern Union.
18 Well, both those places are in KOZ
19 areas. If they weren't in KOZ areas, they wouldn't
20 even be downtown. So, if that's development, I don't
21 think that's too good of a development, giving people
22 ten-year free ride.
23 Why doesn't the mayor call the
24 mayor of Dickson City and see how they're getting all
25 the development up there? They must be doing something
0012
01 right, because now Kohl's is moving up there. Every
02 time you turn around, there's a new company moving in
03 up there. We have to give land away and give
04 everything away for free down here to get development,
05 and I don't call that development. The city gets
06 nothing out of it. Thank you.
07 MR. DIBILEO: Thank you,
08 Mr. Spindler. Mr. Spindler, you brought up the Nay
09 Aug deed, and I just would like to ask Mr. Walsh if he,
10 since last week, has had any opportunity to further
11 research that issue and if he'd like to comment any
12 further on that matter.
13 MR. WALSH: I have had an
14 opportunity to review the deeds. Would you like me,
15 Mr. President, to comment on that?
16 MR. DIBILEO: If you would,
17 please.
18 MR. WALSH: Certainly. There was
19 formerly at Nay Aug Park what was known as Lake
20 Lincoln. There are two deeds it appears that comprise
21 the land on which the pool is situated and on which
22 Lake Lincoln was once situated.
23 I had the opportunity to review
24 both of those deeds. One of the deeds specifically

25 provides that the park can be used for a free public
0013

01 open park forever and for no other use, intent or
02 purpose whatsoever.

03 Oftentimes when people will give a
04 deed to a municipality or a charity or something of
05 that nature, they do it with the intent that it be used
06 for free purposes for the body for which it is given.

07 Now, in the case at issue, what
08 happened was there was a deed given, actually two deeds
09 given, and land was given and the amount o
10 consideration for those conveyances was one dollar for
11 each of them, but the one dollar wasn't the only
12 requirement that it be paid.

13 One of the requirements was, as I
14 just mentioned, that the land be used only as and for a
15 free public open park forever and for no other use,
16 intent or purpose whatsoever.

17 The deed further says, at least
18 one of them, that the land was accepted by the party of
19 the second part; meaning, the City of Scranton, upon
20 the express condition that the said tract or parcel of
21 land; meaning, the land where the pool is, hereby
22 conveyed not be used by the city for any other purpose
23 or purposes than as a free and open public park
24 forever.

25 And in the case that the land
0014

01 shall at any time be used for any purpose whatsoever,
02 other than a free and open park, then any of the
03 buildings and improvements erected thereon shall
04 forthwith revert to and become again the property of
05 the devisees.

06 Now, that's often put in deeds
07 also when there's restricted covenants or covenants to
08 use the land. And, again, the reason why covenants are
09 placed in deeds such as this, is that people when they
10 gift land sometimes want it used for certain purposes.

11 The law discourages these type of
12 covenants, and they're tough to enforce. The language
13 has to be very, very clear. This language appears to
14 be clear.

15 The second deed, as well, has
16 similar language simply saying that the land was
17 granted onto -- it says party of the second part, which
18 is the city, and it says once again to the only proper
19 use forever and is for a free and open park forever and
20 for no other use, intent or purpose.

21 It does, I believe, also has some
22 reversionary language in that deed, which means if you
23 don't abide by the covenant, there could be a problem.
24 Some people might ask, Well, why
25 on that particular piece of land if there's covenants
0015
01 could you sell popcorn, hot dogs, I mean, there's
02 concession stands that are located there and there has
03 been food sold?
04 Well, one of the answers to that
05 may be that in 1923, there was a conveyance, and it
06 appears if that conveyance allowed for the sale of
07 commodities and perhaps concessions.
08 Again, I believe that deed, and,
09 again, I haven't had it surveyed, but that's a deed
10 dealing with the park, as well.
11 The first two deeds I mentioned
12 are from 1894. So, again, to answer your question,
13 Mr. DiBileo, the deeds that deal with Nay Aug Park have
14 what I believe to be restrictive covenants in them.
15 Whether those restrictive
16 covenants are binding is a decision to be made by the
17 Recreational Authority, because they have vested within
18 them the right to charge fees in the sense that the
19 City of Scranton gave them that right, to the extent it
20 exists. So, again, you know, that decision is going to
21 be theirs.
22 The deeds that I've just
23 summarized for you, though, I have here, and I think I
24 have given a copy of those deeds, in fact I know I
25 have, to Attorney Kelly, who is a colleague and friend
0016
01 of mine, and I've also given a copy of those deeds to
02 Attorney Farrell by mail, so I believe they possess the
03 same deeds that I possess, and the language that I've
04 just been quoting and in part paraphrasing is located
05 within those deeds.
06 MR. DIBILEO: Thank you,
07 Mr. Walsh. It seems as though that language should not
08 be confusing in any way. It seems plain and simple to
09 me, although I'm not an attorney, as yourself.
10 And as you most are probably
11 aware, the Recreational Authority has complete control
12 over all of Nay Aug Park and any fees that are charged
13 there.
14 We're simply -- we have an
15 interest or concern, because we don't want to have
16 Nay Aug Park, which is a valuable asset to the City of

17 Scranton, be possibly lost in any way. So, we hope
18 that Attorney Kelly will revisit that very closely
19 and --
20 MR. WALSH: And I might point out,
21 also, Mr. President, that we haven't received anything
22 from the Recreation Authority taking one position or
23 another, to the best of my knowledge, nor have we
24 received anything official from of the law office here
25 at the City of Scranton.

0017

01 Although I have great respect for
02 the journalistic integrity of the Scranton Times, I
03 don't know that that's going to be a valid source on
04 what Mr. Kelly's opinion is.
05 So, I will simply say to the
06 Council that we haven't received anything official and
07 we should probably wait to receive anything official or
08 something official from them before we look or revisit
09 this issue.

10 MR. DIBILEO: And if it's in our
11 purview, possibly we should request that of the
12 Recreational Authority, if we have that ability to do.
13 And, Mr. Saunders, if you would,
14 would you possibly ask Mr. Kelly to provide
15 City Council with his formal opinion in writing?

16 MR. SAUNDERS: Yes, I will.

17 MR. DIBILEO: Thank you very
18 much. Anyone else have any comments on that? If not,
19 our next speaker is Regina Yetkowskas.

20 MS. YETKOWSKAS: Regina
21 Yetkowskas, Scranton resident and taxpayers. Last week
22 I discussed the huge difference between people's
23 interpretation of Mayor Doherty's slogan,
24 Restore the Pride, and his interpretation of the
25 slogan.

0018

01 I ended by saying Mayor Doherty
02 must do better for the people, because if he continues
03 to sell, lease, borrow and spend, Scranton will surely
04 sink deeper in debt, residents will continue to leave
05 the city and no one will want to move into Scranton.
06 As the recent newspaper article
07 said, All economic activity will come to a virtual
08 halt, there may be nothing left but bankruptcy.
09 Now, to continue. I must speak of
10 the one example everyone knows which highlights the
11 mayor's destructive policy to Scranton's economy.
12 Mr. Doherty sold Scranton's golf

13 course, which yearly produced about \$150,000 net income
14 for the city and was on prime residential land that
15 increased in value each year.

16 After selling the golf course, the
17 mayor substituted in its place certificates of deposit
18 which produce income of about \$50 to \$60,000 a year,
19 and the city no longer owns the valuable land. Why he
20 would do that is beyond anyone's comprehension.

21 This is but one example to show
22 there is a glaring flaw in Mr. Doherty's priorities and
23 conduct to restore the pride.

24 After three years, Scranton may
25 have a nice park system because of millions of dollars
0019

01 the mayor spent to rehabilitate the parks, but not even
02 a majority of Scrantonians use the parks very often in
03 the year.

04 In my opinion, a reduction of the
05 personal income and property taxes and the garbage tax
06 would have help the people 24 hours a day, 365 days a
07 year, and gained more respect for the mayor than fancy
08 parks.

09 The mayor's three-year record to
10 restore the pride shows he did not directly communicate
11 with the people or seek a consensus of the different
12 groups and neighborhoods which make up Scranton.

13 As of now, only City Council can
14 stop the mayor from continuing to restore the pride as
15 he interprets it. Council can and must draw the line
16 and say, We will not allow you to create more debt.

17 It is easy to criticize
18 Mr. Doherty's administration, because, in my opinion,
19 his actions so far are seen as not in the best interest
20 of the average resident.

21 The problem is that for the past
22 three years, Scranton's residents did not have a common
23 set of benchmarks or points of reference which the
24 people could use to decide if Mayor Doherty works to
25 improve the people's standard of living.

0020

01 The same benchmarks and points of
02 reference can also be used to determine if as a result
03 of Mr. Doherty's administration, Scranton's people are
04 better off now than they were three years ago.

05 These points of reference may not
06 be as obvious as mowed lawns or Christmas lights in Nay
07 Aug Park, but they will measure how well Mr. Doherty
08 works for the people.

09 I suggest the questions,
10 benchmarks or points of reference are as follows:
11 First, what has Mr. Doherty done to show he permanently
12 stopped the old political practice that in Scranton you
13 must pay to play?
14 The mayor can easily show this by
15 ordering all city contracts to be put out for bid and
16 awarded to the lowest bidder; second, did the mayor
17 create an operating budget which truly and correctly
18 estimates the city's revenues and expenses?
19 Mr. Doherty should not be allowed
20 to inflate projected revenue to create a false budget
21 and fool the public.
22 If the mayor can knowingly
23 overestimate revenues, it gives him a license to
24 continue his deficit spending, because he will spend
25 the over-estimated revenues, which will never
0021
01 materialize. This will force the mayor to continue to
02 sell and borrow to plug the holes in his budget.
03 As I said before, when Mr. Doherty
04 borrows money to restore the pride, he must pay it back
05 with interest. If the administration publicizes a true
06 and correct estimate of city revenues in the budget, it
07 should automatically stop the administration from
08 practicing deficit spending, because it will be so open
09 and transparent that the public will easily see
10 whatever the administration does and demand that he
11 live up to the true budget.
12 MR. DIBILEO: Thank you.
13 MS. YETKOWSKAS: Can I continue?
14 I'm talking to Mr. DiBileo, sir.
15 MR. DIBILEO: Do you mind if you
16 pick up next week where you left off?
17 MS. YETKOWSKAS: All right. But
18 you know, I've heard other participants that come to
19 this this podium say that five minutes is not enough to
20 bring facts, not fallacies, to everyone's attention,
21 and I wish all of you Council people would reconsider
22 giving us more time than five minutes, please --
23 MR. DIBILEO: Thank you.
24 MS. YETKOWSKAS: -- at a time when
25 we're in such a financial crisis, a financial bind in
0022
01 the City of Scranton. Thank you.
02 MR. DIBILEO: Thank you, Regina.
03 Bob Bolus. And congratulations again, Bob.
04 MR. BOLUS: Good evening, Council.

05 Bob Bolus. I'd like to take a moment and thank Janet,
06 Gary, Bill, Mr. McTiernan, Mr. Pocius, for the honor
07 tonight. It seems we came a long way from a couple
08 years ago from where I went out of here on other issues
09 with other Councils, and I thank you for that.

10 But more importantly, I would like
11 to thank the volunteers, the businesses that helped
12 out, and most importantly are the people that showed up
13 to eat the food that we prepared. They're the ones who
14 are at risk. And they made Christmas what it was, and
15 will be tomorrow. And I'm really humbled by tonight.
16 Thank you very, very much.

17 MR. DIBILEO: You're welcome.

18 MR. BOLUS: What I'd like to do is
19 kind of discuss a little bit about the snow removal in
20 the city. Up Harrison Avenue, some of the streets, you
21 know, after the storm is over, it's more important that
22 we go back out and we move the snow from the street and
23 clean the curbs or get it to the curb lines so we don't
24 have cars parked out in the roadways.

25 And that's all throughout the
0023

01 city. So, I think we could have done a better job, and
02 I'm sure our DPW would have liked to, but, of course,
03 it's how the administration is running the ship. So,
04 that's one of the issues I think should be looked
05 into.

06 Next, you know, we listened to the
07 mayor's state of the union, I guess you want to call
08 it. I remember when I ran against him three years ago,
09 one of the biggest things he promised, we'd be out of
10 distressed status.

11 And I could tell you, we're no
12 further out of the distressed status today than we were
13 three years ago or five years ago. In fact, we're
14 deeper in debt.

15 We're not buying new police cars
16 for our police department, we're buying used ones. And
17 that's wrong. We're borrowing money to pay bills, and
18 that's wrong.

19 Because you cannot live in a glass
20 bubble and think everything is hunky-dory giving
21 properties away like South Side to the University,
22 allowing the University to continue what it's doing, or
23 Prep or the other KOZs and non-profits, the hospitals
24 included, and think that the citizens, who are now
25 going to be taxed -- and you're getting your tax bills

0024

01 from the county, we're going to get -- sooner or later
02 we're going to pay back to the City of Scranton this
03 debt, because it's got to be paid back, and the only
04 way it's going to come is out of the people, and these
05 are the hard-working citizens of Scranton who are
06 carrying Southern Union, million-dollar corporations,
07 Aventis Pasteur, million-dollar corporations,
08 Mr. DeNaples, million-dollar operations, and he's not
09 paying for the parking garages in the city, the deal on
10 Lackawanna Avenue.

11 He forgave how many hundreds of
12 thousand of dollars to the Rinaldi family. What did he
13 forgive at the Connell Building to Mr. Sabia? And go
14 on and on and on to all the giveaways Chris Doherty has
15 given away at taxpayers' expense.

16 There is no way this city will
17 flourish or survive. It's not restoring the pride, we
18 have to restore principles. We gave the golf course
19 away. Chris Doherty gave it away, and we could have
20 made money on it and continued to make money.

21 It should really be investigated
22 to really and truly know who really owns the old
23 municipal golf course. I think we'd all be surprised.
24 It's the deal making.

25 Like I said about Mr. Greco, we
0025

01 pay him more than the President of the United States
02 gets paid, and look what we're giving away.
03 We'll sell South Side to pay Carl
04 Greco's debt. And he's only part of the equation of
05 how much money in consultants and mismanagement of our
06 funds are going on in this city. It's not stopping,
07 it's getting worse. And you have to pay it back.

08 Next year he's going to be looking
09 for more money, because he has done absolutely nothing
10 to his promises, A, to attend Council meetings, to be a
11 participant in the city, not in his own little clan to
12 give away everything.

13 The problem we see here is it's
14 the seniors, the young people trying to build and
15 survive in Scranton, and it's not going to happen with
16 the misuse of our funds, our assets.

17 We need to go after, and I've said
18 it time and time again, it's out there, to go after the
19 KOZs, go after the non-profits, pass a maintenance
20 program or whatever it is, and spread across everyone
21 within the city.

22 Everyone wants to pay their fair

23 share, and that's what we want, fair share, and that's
24 the most important thing we can say here tonight. It's
25 pay your fair share. Don't throw us a token, little
0026
01 dog bone.
02 You are taking the assets, you're
03 taking over the city, they're buying property every day
04 and they're not paying their fair share.
05 And it's wrong, it's unjust, and
06 it's time to pay us our fair do. We're the ones who
07 are making the city grow. Thank you.
08 MR. DIBILEO: Thank you, Mr.
09 Bolus.
10 MR. BOLUS: Again, thank you for
11 the proclamation. It was great.
12 MS. EVANS: You're welcome.
13 MR. DIBILEO: Andy Sbaraglia.
14 MR. SBARAGLIA: Andy Sbaraglia,
15 citizen of Scranton. Fellow Scrantonians, the last
16 meeting I did ask some questions about our money up in
17 Dunmore, how much interest we were receiving on that
18 money.
19 When I heard the clerk's notes,
20 there was no answer there, so I assume either he didn't
21 get an answer or he forgot to do it, but could you
22 remind him?
23 MR. DIBILEO: When he comes back
24 in the room, I'll ask him if he has that information,
25 and if not, we'll continue to try to get that for you,
0027
01 Andy.
02 MR. SBARAGLIA: Because that's
03 quite a bit we put into the escrow account up there.
04 It would be nice to know what we're getting out of it
05 so we can compare how much we're paying for this loan,
06 considering how much we're getting out of it in
07 interest.
08 Okay. The other session, I asked
09 about the street lighting, the fixtures. Now, that
10 thing is over two years now. It's going on and on and
11 on, but he took, when that was passed, he took a hit on
12 it saying that we save all this money on this street
13 lighting, but we haven't saved a penny, we're still
14 paying PP&L for the electricity, we're probably paying
15 for the lights, too.
16 We still didn't get an answer
17 back, and I don't believe you're going to get an
18 answer, because they don't want an answer. This thing

19 has been dragging and dragging and draggin, and there's
20 got to be a reason.

21 MR. DIBILEO: Andy, I know

22 Mr. Saunders has been in contact with members of MEM, I
23 believe the name of the company is, and as of yet, a
24 public caucus meeting has not been scheduled. I'll ask
25 him what the update is on -- if he's come up with a
0028

01 date yet.

02 MR. SBARAGLIA: But you do

03 remember that they took a hit on that for \$180 for
04 legal fees. Could you at least find out what that
05 \$180,000 that we paid on legal fees what was for? And
06 that had to do with the street lighting. So, somebody
07 got the money, somebody has been getting the money, and
08 how much have we drawn out of this account? And I
09 think pretty soon we're not going to have enough in
10 that account to buy the street lighting, because it has
11 been drained. It's nice to know these little things.

12 I hate to be redundant on them,

13 you know what I mean, but what are you going to do?

14 These things do matter. You know, they add to the pot.

15 Every dollar we lose paying for our lighting, is money

16 wasted because we got this money in the bank.

17 And not only that, find out how

18 much interest we're getting on that loan and how much

19 we're paying to have that loan. I mean, these are

20 balance sheets. These are things that you should get

21 up there and actually get them people to give you all

22 the answers they can, because this is dumb the way they

23 do things.

24 I mean, it doesn't take a brain

25 surgeon or even an accountant. Anybody can add two and

0029

01 two and get four could look at these things. I mean --

02 well, like I said before, you still didn't get the

03 \$600,000. Did you check your contract to find out why

04 you didn't get that \$600,000 from the old DPW site?

05 MR. DIBILEO: That's another bit

06 of information we'll have to find out, if Mr. Saunders

07 has for us.

08 MR. SBARAGLIA: If you read the

09 contract, like I keep pointing out to you, it's a deal

10 between the SRA and the Ice Box. If they don't come to

11 an agreement, they can keep that site for 99 years at a

12 dollar a year.

13 You remember when it first came

14 out, they have no price in there at all. It was just a

15 flat a dollar a year for 198 years in the original
16 contract. You remember when I brought that up to you?
17 I thought that was -- well, actually I put it in the
18 lawyer's office.

19 I took the contract and actually
20 put it down the lawyer's office to bring him up on
21 charges, because I couldn't let that go. To me, that
22 was a waste, okay? But he -- then he corrected it, and
23 City Council couldn't even stomach it, and they changed
24 it.

25 Now, they didn't change it to a
0030

01 great better, but they did change it to a little
02 better. They gave it to him for 99 years at a dollar a
03 year with that stipulation that if the SRA and them
04 come to an agreement, they would pay the \$600,000.

05 But this is the things that were
06 done, and continue to be done. You got all kinds of
07 deals. We own beds down at the Hilton. Now, what the
08 heck are we going to do with beds at the Hilton and
09 light fixtures? You know how much it costs to check
10 out light fixtures and beds? But yet that's what we
11 own at the Hilton.

12 Now, all these places are
13 non-profit, most of them, and then the worst about it,
14 now we see that the company that owns our site up there
15 for the railroad wants to sell it to the University,
16 and that's another thing.

17 I can understand them, though. If
18 I was in charge of that hotel, I would try to sell it
19 to you, too, because it's a win/win situation for them.
20 It takes it off the tax rolls and they get away with
21 it. They can still run it. Thank you.

22 MR. DIBILEO: Thank you. Jay, you
23 were contacting members of MEM Corporation or Company
24 regarding a caucus meeting, are you having any luck so
25 far with scheduling it?

0031

01 MR. SAUNDERS: Well, I've talked
02 to Bob Kearns twice so far about coming in and
03 discussing any of the contract and transfer the money
04 and transfer the ownership of the light fixtures, and
05 just how the city or the City Council or the
06 administration is going to deal with the request and
07 the petitions that come into our office on how to put
08 up new lights or lights that are out.

09 I've talked to them twice about
10 it. They said they were going to call me back. Well,

11 they're going to call me back and let us know when they
12 could possibly do this.

13 MR. DIBILEO: Okay. Try to
14 schedule that as soon as you can.

15 MR. SAUNDERS: I'm working on it.

16 MR. DIBILEO: And lastly,

17 Mr. Sbaraglia had questions regarding some information
18 he requested in the past, the \$600,000 that the Ice Box
19 might be paying for the DPW site now that they're gone,
20 did you get any --

21 MR. SAUNDERS: I sent a letter
22 down asking for the status of that land. Nothing as of
23 yet.

24 MR. DIBILEO: Maybe you'll have
25 something next week for us.

0032

01 MR. SAUNDERS: Yes.

02 MR. DIBILEO: Thank you.

03 Dick Laske.

04 MR. LASKE: Good evening, ladies
05 and gentlemen. I figured I'd come down. I didn't want
06 anybody to think I was angry with anyone, because I
07 haven't won an argument at home in 55 years, so my
08 record is not too good.

09 John, listen, February the 12th,
10 eleven o'clock, and you better bring your mother and
11 you better wear your (UNTRANSCRIBABLE.)
12 Okay. Everyone is invited to our
13 flag raising. We're having it on the 12th, because
14 it's on Saturday so we can get more people to attend
15 hopefully, even though Lithuanian Independence Day is
16 February the 16th. But that's okay. And you can even
17 make some (UNTRANSCRIBABLE) if you want, do you know
18 what I mean?

19 MR. DIBILEO: Dick, where is that
20 ceremony at?

21 MR. LASKE Downstairs, first
22 floor.

23 MR. DIBILEO: February 12th.

24 MR. LASKE: Okay. Now, everybody
25 is invited.

0033

01 MR. POCIUS: What time?

02 MR. LASKE: Eleven o'clock. Now,
03 I was rather hoping that Mr. Davis would be here
04 tonight. He wants to know about minorities? Become a
05 Lithuak, you'll find out about minorities. We probably
06 have the grand total of 12 people at our flag raising,

07 right?

08 It reminds me of a little sign I

09 saw when I was pulling a trailer through Texas one

10 time, it said, We're not big, but we're tough.

11 Okay. Now, I have another

12 question about the Northeast Credit. I haven't heard

13 where they've given the city any money as of late. I

14 mean, when that was form, it was like a lot of other

15 things, it was going to be a windfall for the city.

16 So, they gave a few bucks, but

17 what really annoyed me was the night that

18 Mr. and Mrs. Chase was here. I mean, them people were

19 about close to tears, you know what I mean? And that

20 still annoys me.

21 And they're good friends of mine,

22 we go to the same church, and I wish you people would

23 just check into this, because this is just my opinion.

24 For years and years and years the

25 tax office collected our taxes. There was no sarcasm,

0034

01 no nothing. And I could attest to being treated by

02 that Northeast Credit. As a matter of fact, I insisted

03 upon and I received a letter of apologize. I mean, you

04 talk about the Mafia and everything else, you ought to

05 see a Lithuak when he gets wound up (UNTRANSCRIBABLE.)

06 Okay. That's about all I have,

07 and hopefully I'll see you down there. Mark, there's

08 nothing that says you can't come. I'll even teach you

09 the Lithuanian Anthem. I'll come over the house Friday

10 night, I'll teach you the Lithuanian Anthem and you'll

11 fit right in. Have a good night.

12 MR. DIBILEO: Thank you, Dick.

13 Appreciate it. So, that would be a Saturday, February

14 12th? It's my birthday, but I'll try to make it, Dick.

15 Lee Morgan.

16 MR. MORGAN: Good evening,

17 Council. The first thing I have is, you know, for a

18 long time a couple of us, we've come here continually,

19 we talked about sometimes the same issues for a long

20 time, but I think that finally people are starting to

21 realize what is really going on in this city, and, you

22 know, it really boosts people's morale to know that we

23 didn't waste our time.

24 We've moved Councils, we've tried

25 to do the right thing, we weren't looking for anything

0035

01 for ourselves. The issues are becoming clear and

02 focused now that the city has mismanaged its finances

03 for a very long time, and there's not really anywhere
04 left to hide.
05 We don't want to destroy anybody's
06 name or become a political powerhouse in our own name,
07 we just want the power returned back to the people.
08 We want this city to become
09 vibrant again and to become the hub it should be, but I
10 think that we have to realize what the shortcomings of
11 this are.
12 We have to find ways, as other
13 speakers have spoken, to bring industry here. We have
14 to find ways to stop having tax anticipation notes
15 every year, we have to stop serving the people with all
16 the money and worry about the people in the
17 neighborhoods.
18 There's really an awful lot of
19 problems here, but there aren't any problems that we
20 really can't face, we just have to change the way we
21 think, and I think really think it's possible.
22 I just hope that people come on
23 February 12th to the Hill Neighborhood Association
24 between ten and two, that's the beginning, and then at
25 the end of April, we're going to be at the West Side
0036
01 Neighborhood Association.
02 We just want change to come. We
03 want everybody's ideas. We don't have all the ideas,
04 but we want change. We want to bring young people
05 here. We want to see all the vacant lots -- we'd like
06 to see the city come forward with a plan to give tax
07 forgiveness for vacant lots that are buildable, and
08 let's try to bring young families into this city.
09 We have an awful lot of older
10 people here and they've kept the city going for
11 decades. They were the lifeblood of this city and now
12 it's time to pass the torch to the next generation.
13 But as we all know, a lot of the
14 younger people that I went to school with, they're not
15 even in the state anymore, they're gone and they may
16 never come back.
17 And if they do come back, they'll
18 come back when they're 60 or 70, and they'll retire
19 here hopefully, but we need to do something from now
20 until then, because we do want everybody to someday
21 come back to Scranton.
22 And when you look at the hard work
23 that the people in the early 1800s put here, 12 people
24 built this city in the early 1800s. The Scrantons were

25 only one, because in the beginning, Scranton was a
0037

01 steel mecca at one time, and we can never forget our
02 roots. And if we made this city vibrant once, we can
03 do it again, but we just have to try hard and not give
04 up.

05 And I hope that everybody will
06 come to the Hill Neighborhood Association, have some
07 hot dogs, come with some ideas, and we're going to do
08 something.

09 I have some questions, I would
10 like to know, Does Council know or can it tell us how
11 much it costs to rip down the former DPW compound? I'd
12 like to have that information, if it was possible.

13 The other information I'd like is,
14 the Scranton Recreation Authority, the Scranton
15 Redevelopment Authority, the Scranton Parking
16 Authority, the Scranton Housing Authority, the Public
17 Auditorium Authority and the Municipal Industrial
18 Development Authority, the Scranton-Lackawanna Health
19 and Welfare Authority, and the Scranton Sewer
20 Authority, I'd like to know what their debt is; in
21 other words, how much money have they borrowed, if they
22 have mismanaged any state funds or federal funds that
23 have to be returned to the state or federal government,
24 and I'd like to know what their operating budgets are
25 every year; would that be possible?

0038

01 MR. DIBILEO: Yeah, we can ask,
02 Lee, and that's -- I mean, we can ask, and that's
03 basically all we can do. A lot of that information is
04 public knowledge, so that should be easy to get. Other
05 than that, obtaining information, we can request it.
06 Hopefully we'll get a response. So, if you would,
07 Mr. Saunders.

08 MR. SAUNDERS: I think it's
09 important to note that Mr. Parker was the driving force
10 behind the Scranton Municipal Golf Course, and a lot of
11 people in business and industry made that possible, and
12 it was really a great asset to this city, and selling
13 it was a very big mistake.

14 It's never going to generate
15 anywhere near the kind of funds it was giving to the
16 city, and it really never cost the city anything. When
17 you look at that golf course, it paid all the bonds
18 itself, and still it gave money to the city right from
19 its inception, I do believe.

20 And I think there's no way we can

21 thank Mr. Parker, because he's deceased, but, I mean,
22 he really did a great thing and there has been a lot of
23 people who were born and raised here who did great
24 things for this city, and we can never acknowledge all
25 of them, but we've got to stop selling all our assets.

0039

01 The University of Scranton, the
02 South side Sports Complex should not be a forgotten
03 issue, because the University of Scranton should never
04 take control of that.

05 Now, I personally stated myself
06 that if the city retains control of that, that I will
07 donate \$1,000 to that. I'm not a wealthy man, but I
08 think it's important to save that.

09 And I would like this Council to
10 remain vigilant and do everything it can to make sure
11 that that doesn't happen. Thank you.

12 MR. JOHNSON: Good evening,
13 City Council and staff. And, Gary, that was a nice
14 prayer for our military. You always do a good job with
15 the prayers.

16 MR. DIBILEO: Thank you.

17 MR. JOHNSON Speaking of our
18 military, the U.S. military men and women who have
19 served and still serving in Iraq are the real heros who
20 even gave their lives to make it possible for the
21 willingness of the Iraqi people to take great risk in
22 order to vote and now have a foundation on which to
23 build hope in a free democratic government.

24 Up to 60 percent registered voters
25 who took the great risk in order to vote Sunday with a
0040

01 heroic blanket of security laid down by American
02 soldiers and Iraq security personnel enabled millions
03 of people to embrace the concept of democracy by
04 casting their ballots, even with the Suni Iraqi
05 boycott.

06 60 percent is incredible. The
07 tree of democracy roots should grow larger and stronger
08 that will blossom and bear many fruits to see democracy
09 movements in neighboring Iraq countries, such as Syria,
10 Saudi Arabia, Iran, and even Jordan.

11 Yes, Sunday was a great day for
12 the brave U.S. Military men and women and Iraqi people
13 who risked their lives for freedom. I, myself, thought
14 it was impossible, and it became possible. God had a
15 hand on this event.

16 As for the city concerned, it

17 should classify the police and firemen as a local
18 shield against any terrorist acts which is also
19 classified as a shield to homeland security.

20 We must put our priorities
21 straight. After all, we all can see, hear, and most of
22 us read, although a lot of times we do not pay
23 attention for reality.

24 Take care of your house before
25 other businesses, that's the top priority. That also
0041

01 goes or the county, who needs to take care of their
02 house by making sure the courthouse is renovated
03 properly, judges and other personnel are paid like they
04 should before us you can add on assets which are
05 Montage and the county stadium, which can be sold to
06 private owners, like other counties have done in order
07 to create new revenue for the county so they wouldn't
08 have to have a 48 percent rise in taxes all at once,
09 which is too much and too fast.

10 So, city and county, please take
11 care of your houses and the people that are making the
12 system work first, and then comes the structure of
13 roads, programs, needs for its residents,
14 infrastructure improvements to the city, new businesses
15 to create jobs.

16 Last but not neglected should be
17 your public parks that should be in the best interest
18 of all Scranton and county residents. Our negative
19 view is that the so-called excursion train route from
20 Scranton to New York and most noticeable New York to
21 Scranton would not be by all means a good idea.
22 Transits from New York on a one-way ticket to Scranton
23 for residents. They'll be putting up camps all around
24 the county courthouse.

25 We cannot have this continuous
0042

01 exodus of trouble and criminal transients moving to
02 Scranton while the law-abiding Scranton taxpayers
03 moving out of Scranton in an exodus to other areas.

04 By the way, my garbage can
05 disappeared in my neighborhood last week. Likewise,
06 the criminal rumors of accusations of me did also
07 disappear.

08 An important person told me, we
09 all know you are not that kind of a person. And my
10 son, a Wilkes-Barre policeman, echoed the same phrase.
11 I thank you for letting me speak.

12 And, also, congratulations to Bob

13 on his award. He deserves every bit of it. Because if
14 it wasn't for him, I would not have had a Christmas
15 dinner like all the numerous other people there.

16 He's a great -- he's a very
17 generous person, and I, myself, want to thank him for
18 making my Christmas not a lonely one.

19 And I was among with a lot of
20 friends and I had a Christmas dinner, and it's very
21 touching what he did. Thank you.

22 MR. DIBILEO: Thank you, Erik.

23 Charlie Newcomb.

24 MR. NEWCOMB, JR.: Good evening,
25 Council. I also would like to congratulate Mr. Bolus.
0043

01 I, myself, was there for a few hours in the morning on
02 Christmas. And like I stated here before, it was the
03 first time that I really got to see what the true
04 meaning of Christmas, what it was all about.

05 I listened to Mr. Laske, what he
06 was saying, and just to answer one of his questions
07 regarding NCC, just a statement, I guess, that one of
08 the principals of NCC donated \$6,000 to the mayor's
09 campaign, so that could be an answer to one of his
10 questions.

11 Did we also get any answers to my
12 questions regarding Nay Aug Park with the electric
13 bill? I asked -- this will be the fifth time now that
14 I've asked for that information.

15 MR. SAUNDERS: Nothing as of yet.

16 MR. NEWCOMB, JR.: Okay. I guess
17 we'll have to pursue that, also. Did we find out about
18 the subpoena power, how many votes it would take?

19 MS. EVANS: Three.

20 MR. NEWCOMB, JR.: It would take
21 only three? Very good. Maybe we can implement that in
22 the near future. Did we also receive any news on
23 anything regarding the CDBG grants downtown, if
24 anything became available yet?

25 MR. SAUNDERS: That was also sent
0044

01 out. I didn't hear a response on that yet either.

02 MR. NEWCOMB, JR.: Okay. I think
03 somebody stated up here once before, maybe we should
04 change the names on the bottom of those letters, we'll
05 get a quicker response to some of these questions.

06 Don't put my name on the bottom of them, because it
07 will take even longer.

08 Also, another question that I

09 would like to ask is, Can we find out, by any chance,
10 how many vetoes came across this Council last year,
11 just last year, because that's really the ones that
12 stood out to me.

13 I have a suggestion regarding the
14 situation that is going on, I guess we'll put it at,
15 with the deed for Nay Aug Park, it's going back and
16 forth, which everything always does, because
17 unfortunately that's the way that things work here in
18 this city, but I'm not a lawyer, never went to law
19 school, but if you listen to what Mr. Walsh said,
20 that's pretty, I'll guess we'll use the word,
21 kindergarten language, to understand what it says
22 there.

23 So, a suggestion that I have would
24 be, why can't we invite Mr. Kelly in and some of the
25 members of the Recreation Authority for a caucus
0045

01 meeting to ask all the questions, like you have a lot
02 of people come in here for a caucus, and maybe we can
03 answer a lot of questions instead of just sending a
04 letter waiting six months and not getting an answer?
05 Maybe we can have them come here
06 to this table and ask the questions. I think that's a
07 good idea. You'll save a lot of paperwork and a lot of
08 time, I think.

09 And would we be able to use or
10 subpoena power for that if they wouldn't come here?
11 That's a good question. Could we use our subpoena
12 power if -- because I know you asked them to come
13 before regarding the pool issue when it first came to
14 surface and they wouldn't come, would that be a
15 situation to use subpoena power?

16 MR. DIBILEO: My guess would be
17 no, but I would have to refer to Mr. Walsh on that.

18 MR. WALSH: Charlie, I have to
19 apologize, I just walked back in from the outside, but
20 you're speaking about the pool issue once again?

21 MR. NEWCOMB, JR.: Yes.

22 MR. WALSH: Let me reply to your
23 first question by could you use a subpoena. A subpoena
24 is used if you're going to have some sort of an
25 investigation, and the only time that the court will
0046

01 probably enforce a subpoena is if the people absolutely
02 refuse to come. So, the answer to your question is a
03 definite maybe.

04 With respect to Nay Aug Park, and,

05 again, I want to be very clear on this, it's not the
06 obligation of Council to resolve that issue, because
07 they're not the one that is charging.
08 If you noticed, I always stopped
09 short of giving my opinion with respect to what the
10 meaning of the deeds are, because, Charlie, you have to
11 take into consideration the deeds were written in the
12 1890s, and the subsequent documents were written
13 80 years ago.
14 So, how you interpret that
15 language would be important to the resolution of the
16 park issue. And, again, you know, how they
17 interpreted their words then and how we interpret them
18 now is subject to probably dispute.
19 Again, because that issue isn't
20 our issue and it is their issue, my suggestion is we
21 look and see what they say.
22 Who knows, when they give us their
23 explanation, we might say, Oh, yeah, that's right, we
24 agree with you, or we might say, Oh, no, we don't agree
25 with you. But the bottom line is, we haven't received
0047
01 that opinion yet.
02 This evening what I sought to do
03 pursuant to what Mr. DiBileo had asked me was simply
04 read what was in some of the deeds, and that's what I
05 think I did.
06 Again, I think we have some very
07 good legal people working for the city, and perhaps a
08 very good legal person, I don't want to say perhaps,
09 I'll be in trouble, working for the Recreational
10 Authority, and we will wait, again, and see what those
11 opinions are.
12 And when they come in, we might
13 say, yeah, that's good. We might say it's not good.
14 But, again, I think before we talk about subpoenas or
15 anything like that, we simply wait and see what the
16 opinions are.
17 I know everybody here read what
18 was reported in the Scranton Times, but then, again,
19 although, as I mentioned before, I respect for the
20 Times, it's probably not the best source for
21 information on legal opinions. So, I think what we do
22 is we wait and see what comes in.
23 MR. DIBILEO: Thank you,
24 Mr. Walsh.
25 MR. NEWCOMB, JR.: Very good.
0048

01 That's another reason why I think it would be good, I
02 don't think you were here for that, to ask if they can
03 come in here to an open caucus, like a public caucus,
04 instead of sending letters back and forth and you can
05 just ask the questions so the public can see what's
06 going on, because it is out of your hands, it's in the
07 Authority's hands.

08 One final question that I have
09 was, Was anybody on Council invited to the mayor's
10 state of the city address that was held on Monday?

11 MR. DIBILEO: I don't know. Not
12 that I'm aware of.

13 MR. SAUNDERS; No. There was no
14 invitation sent to our office. Scranton Tomorrow ran
15 that.

16 MR. NEWCOMB, JR.: Were any
17 citizens -- I don't think even any citizens knew about
18 it. I didn't hear about it anywhere, so I guess that
19 says a lot. Thank you.

20 MR. DIBILEO: Thank you. Frances
21 Ferrone.

22 MS. FERRONE: Good evening. My
23 name is Frances Ferrone, and I'm here on another
24 complaint from last year.

25 I told you before, Why am I paying
0049

01 taxes? I live in a court, last year I was iced in.
02 All ice, I couldn't get out. This year, I was snowed
03 in.

04 Cherry Street was plowed, they
05 snowed us in, we couldn't get out. So, what am I
06 supposed to do for paying taxes? I don't get any
07 place. Why am I paying taxes? I think for my age, I
08 don't think I have to shovel snow.

09 MR. DIBILEO: You're in Kirst
10 Court, Mrs. Ferrone?

11 MS. FERRONE: Kirst Court. Cherry
12 Street, Brook Street, Cedar Avenue and Pittston, right
13 around that big hole, the bridge, a half a block up.

14 MR. DIBILEO: Jay, can you please
15 ask Mr. Parker if they could pay more attention to that
16 area? She's having a hard time getting out of her
17 street.

18 MR. SAUNDERS: What is the exact
19 lot?

20 MS. FERRONE: 1322.

21 MR. SAUNDERS: Kirst Court?

22 MS. FERRONE: Kirst Court, yeah.

23 I'm there 44 years. And when my husband was alive, the
24 neighbors used to help plow the court out. After he
25 passed away, different people come in, and nobody
0050

01 ever -- I called up how many times, the city, they
02 never come around.

03 So, I don't think for my age, I
04 done think I should go in -- when I'm paying for
05 something, I think I should be taken care.

06 MS. EVANS: Yes.

07 MS. FERRONE: And I do appreciate
08 it very much. Because I'll tell you, when they plowed
09 Cherry Street, nobody could get in, and at the same
10 time, they blocked Brook Street. I couldn't get up. I
11 couldn't get in one way and I couldn't get in the other
12 way. So, what was I supposed to do?

13 MR. DIBILEO: How many other homes
14 are in that block?

15 MS. FERRONE: There's only one,
16 two, three -- well, there's three corners, and there's
17 three right in the center of the court.

18 MR. DIBILEO: So, each one of you
19 are having the same problem.

20 MS. FERRONE: Well, I'm not
21 worried about anybody else, I'm worried about me,
22 because they don't worry about me.
23 The fellow down the road, he just
24 bought the corner house, and he went ahead and he
25 plowed down below up until by his garage, and that was
0051

01 it.

02 And I thought maybe he'd stop off
03 and say, Well, Mrs. Ferrone, would you care to give me
04 a couple of dollars to go ahead and plow? He just
05 plowed their and that was it, and we were all snowed
06 in, the two neighbors were snowed in there -- no, four
07 neighbors.

08 MR. DIBILEO: We'll see if we can
09 try to help that that doesn't happen again, Mrs.
10 Ferrone.

11 MS. FERRONE: Well, I hope so,
12 because after all, I don't think it's a bit fair that
13 I'm paying something that I'm not getting anything for.
14 And after all, my age, I don't think I should shovel.

15 MS. EVANS: Oh, no.

16 MS. FERRONE: Okay?

17 MR. DIBILEO: Okay.

18 MS. FERRONE: I thank you very

19 much.

20 MR. DIBILEO: Jay, if you would,

21 please. Thank you.

22 MR. SAUNDERS: Yes.

23 MR. DIBILEO: That's it for the

24 sign-in sheet. Are there any other speakers?

25 MR. McDONOUGH: Bill McDonough,

0052

01 Scranton, Pennsylvania. I want to give a plus to the

02 Council and a minus. The plus, first, is that you

03 allow me to speak on behalf of the Purple Club, and we

04 help needy and worthy students get some money for their

05 books, and that's part of our duties for being

06 humanitarians.

07 And we were very successful. And

08 thanks, President DiBileo, for suggesting to go to 61.

09 I didn't have to, they called me up.

10 MR. DIBILEO: Good.

11 MR. McDONOUGH: I explained the

12 yearly functions of the club, and it went over very

13 well, and we extended our raffle an extra month, and we

14 did very well with it.

15 And now we're into the membership

16 drive, which started February 1, and will end May 31.

17 It's only \$10, and you send it to the Purple Club,

18 P.O. Box 388, Scranton, PA 18503.

19 These are funds that are needed.

20 Our chairman is Ed Krepovitch. You can call him or

21 myself or you can call our secretary, Betty Caputo, or

22 just simply mail it in and earmark it 2005 membership.

23 It's for a very good cause,

24 humanitarian. I think the Council has helped, and I

25 think others listen to this particular show, and I got

0053

01 calls on it, and we did very well and we hope to do the

02 same with our membership drive.

03 On the minus side, a couple years

04 ago I put this in the paper and I took the Scranton

05 Times to show them the intersections around the Times.

06 Some years ago the federal

07 government granted money so that the sidewalks didn't

08 just drop off two or three inches to the curb, they're

09 graded to abut the pavement and designed primarily for

10 disabled people.

11 And now these areas, including the

12 one 100 feet from here, have snow and ice on them, and

13 so does the one across the street, and so does the one

14 down the end of the block. Some of them don't, they're

15 cleared, but this is definitely a safety liability-type
16 case against the city and hurting someone.
17 They should be cleared, especially
18 after a snow storm. These are disabled people that are
19 senior citizens, just like I am, and which have a hard
20 time crossing a street where there's ice and snow, so
21 doesn't anyone, as far as that goes.
22 So if you could be kind enough
23 when you leave tonight, about half of it's cleared and
24 half of it isn't. The same on the other side. It
25 should be all cleared.

0054

01 Some of the downtown people have
02 to come in to visit doctors, lawyers and business
03 people, and it's not fair to these business people,
04 doctors and lawyers, or the people who cancel because
05 they're afraid to try to cross the street.
06 So, if you take that into
07 consideration, because we might get some more snow or
08 ice, it's very possible, and if you can, these areas
09 could be just simply done with a shovel and/or a pick
10 and shovel and clear them quick. They're only a few
11 feet wide, and I'm just looking out for the city's --
12 the people's interest, the city's interest and the
13 liability problems. And I want to thank you for your
14 time and good night.

15 MR. DIBILEO: Thank you,
16 Mr. McDonough. Jay, forward Mr. McDonough's comments
17 to Mr. Parker, please. Thank you. Any other
18 speakers?

19 MR. McANDREW: Good evening,
20 Council. Larry McAndrew, Scranton resident and
21 taxpayer. The other day our city mayor before 100 or
22 so business and professional people said his city
23 address, and in the city address he said the last three
24 years his goals have been achieved almost.
25 These goals that he brought

0055

01 forward, he says that this city is a model for the
02 state as example of what to look forward to.
03 Mayor Doherty, I say, is a
04 terrible model to represent here. Week after week, I
05 see people come up to this podium asking for a response
06 to their questions.
07 Mr. Saunders responds, I send
08 letters, I don't get any response. What kind of
09 administration do we have here?
10 We are taxpayers, we need

11 response, we have services that have to be done. That
12 is one thing there.
13 The other thing that comes to my
14 attention is that this mayor is saying that we have a
15 director in charge of so much money that has been given
16 raises to keep their operation going. This city is not
17 doing right.
18 I can't explain in words how I
19 feel that this mayor has what he has done here and with
20 this administration.
21 Mr. Walsh has brought up about
22 Nay Aug Park and those deeds. August 6, 1894, our
23 forefathers had intentions to make that park free for
24 the public, free for improvements done in that park.
25 Don't tell that we, the people,
0056
01 have to pay for use of that park, for use of that
02 swimming pool, for use of that slide. It should be
03 free. Thank you.
04 MR. DIBILEO: Thank you,
05 Mr. McAndrew. Thank you.
06 MS. KRAKE: Good evening, Council.
07 My name is Nancy Krake.
08 MR. DIBILEO: Good evening.
09 MS. KRAKE: DCD spent millions to
10 bring the Pennsylvania Economy League's recovery plan
11 to the city, but what is it exactly that we're
12 recovering from? Fiscal mismanagement by current and
13 past administrations.
14 Instead of presenting the city of
15 Scranton with legitimate means of fiscal recovery, the
16 Pennsylvania Economy League serves up management
17 rights, and President Herbert Hubert-like economics.
18 Because of the management rights
19 in the clerical workers contract, we now find ourselves
20 with two jobs whose qualifications standards have been
21 reduced.
22 The union did not agree to these
23 changes, yet they were implemented when this
24 administration hired people to fill those jobs. In
25 fact, in the 2005 budget, of the mayor, they added a
0057
01 part-time person to assist the grants writer they had
02 hired.
03 It doesn't make sense, but it does
04 fit their job creation and consultant hiring patterns.
05 They also created many jobs outside of the bargaining
06 unit. Five of these are filled by former bargaining

07 unit members.
08 These jobs pay \$5,000 more per
09 year than their previous union jobs did. I guess the
10 mayor moved these people from paper pushers to number
11 crunchers. Those are his words that he had in the
12 newspaper. Apparently he prefers number crunchers.
13 The most recent victims are the
14 single tax office employees. The city administration
15 is considering them distressed, as far as contract
16 negotiations are concerned.
17 In this case they aren't even
18 pretending to be concerned with fiscal innovations,
19 just blatant worker bashing. They have perverted the
20 Act 47 law to further their own agenda.
21 The miserable economic
22 recommendations of the recovery plan apparently have
23 come to fruition as borrowing tens of millions of
24 dollars, creating bloated management-level jobs and
25 raising the annual cost of the municipal pension fund
0058
01 to \$427,532 annually. That's just to name a few.
02 Because the Pennsylvania Economy
03 League will not address mismanagement by the
04 administration, there will not ever be an end to this
05 vicious circle. They have not addressed the real
06 issues, so they will always be traveling with us, kind
07 of like when you get a cold sore and it just keeps
08 reappearing.
09 For this year's budget, we saw
10 three Council persons provide a plan to help fill the
11 void the Pennsylvania Economy League and the mayor's
12 budget left in the road to recovery. Unfortunately
13 they were not able to obtain another vote to override
14 the mayor's veto.
15 I know the administration doesn't
16 like to listen to this Council or to any of our ideas,
17 but before this administration came into power, our two
18 very professional payroll clerks handled the entire
19 city payroll.
20 This administration hired very
21 expensive redundant, and to say the least, problematic
22 outside payroll company. I would like to offer a
23 suggestion that is an immediate savings, get rid of
24 this outside payroll company and have our clerks resume
25 their in-house payroll procedures. That will be at
0059
01 least \$1600 a payroll.
02 The clerical workers, we won't

03 even charge a consulting fee for this cost-saving tip.
04 So, if anyone on Council would like to offer that along
05 with our suggestion this evening, I would appreciate
06 it. Thank you.
07 MR. DIBILEO: Thank you.
08 MS. WILLIAMS: Good evening,
09 Council. Joanne Williams, taxpayer and homeowner.
10 MR. DIBILEO: Good evening.
11 MS. WILLIAMS: I'd like to ask --
12 poll Council a question. When Nay Aug Park was
13 building the playground, the volunteers, did any of you
14 volunteer up there to help build that?
15 MR. DIBILEO: Personally I
16 volunteered at the Lackawanna Little League playground
17 and not Nay Aug.
18 MS. WILLIAMS: I'm asking
19 specifically Nay Aug. I know all playgrounds do count,
20 Mr. DiBileo, but how about Nay Aug? Anybody here?
21 I know Mr. McTiernan was there.
22 Okay. All right. I was there, and it was really a
23 nice community effort.
24 I haven't been here in a while,
25 but -- and that's why I don't come often. Some
0060
01 people -- I'm going to state, some people stand here
02 and say that, you know, they're pushed away from here
03 by different things.
04 I've been pushed away, too, by the
05 way some people have acted while I speak and why the
06 gavel hasn't been banged. It's not fair.
07 I've been watching, though, and
08 it's been depressing. Let's, for example, take away,
09 let's take away Nay Aug Park, what has been done, let's
10 take away the downtown, what has been done, let's take
11 away the Reinnessance of this city that's been done in
12 the past three years, and what do you think we're going
13 to have here?
14 Just think about it. And I'm
15 asking the people who are watching on TV. Many of the
16 citizens who stop me and ask, Why haven't you been to
17 City Council? We like to hear the positive things that
18 are going on in this city.
19 I want the people to think about
20 that. This administration is moving this city ahead.
21 Some of the things I don't like either, but there's a
22 lot I do like, and I'm tired as a citizen all my life
23 of this city to put this Council meeting on every
24 Thursday night and have to hear the downing of the

25 city.

0061

01 And I do not like, and I don't

02 care if it was Mayor Connors, past mayors -- now,

03 Mr. Newcomb is laughing at me.

04 MR. DIBILEO: Excuse me, Joanne.

05 MS. WILLIAMS: I would -- you

06 know --

07 MR. DIBILEO: Excuse me, Joanne.

08 We have to keep all noise down when speakers are

09 speaking, please.

10 MS. WILLIAMS: See, to me, that is

11 rude and ignorant, and that shows the public, and they

12 tell me this, they reflect on them as that way, not all

13 of them, but a certain few.

14 I'm going to continue to come, if

15 I have to come every week and state one thing positive

16 about this city, because this city has moved ahead.

17 And just think, if the progress we

18 have made in the last three years was not made, we

19 would be a ghost town, coming one.

20 So, I would like the viewers who

21 are watching me to call City Council, give them a call,

22 tell them what you like about this city, what is

23 happening, the light show up at Nay Aug Park, the

24 buildings going up downtown, the renaissance that's

25 happening in this city.

0062

01 It's been long overdue. We

02 finally have a mayor, an administration, who is seeing

03 what good things can happen in this city.

04 And I as a resident take it as a

05 personal insult when it's week after week negativity.

06 I have to take it, but I'll be here every week if I

07 have to say one thing positive about this city.

08 Am I a cheerleader for this city?

09 No. I'm a proud resident of this city. Thank you.

10 MR. DIBILEO: Thank you,

11 Mrs. Williams. And just to comment, you're welcome

12 here every week, if you'd like to be, as everyone is.

13 I do want everyone, no matter who is speaking, to

14 refrain from any comments in the audience while

15 speakers are speaking. And, again, you're always

16 welcome.

17 MS. WILLIAMS: But that's why

18 there's quite a few people who do not come down to City

19 Council meetings to speak on behalf of the city in a

20 positive way to be heckled by some certain people in

21 this audience. It's not right.
22 MR. DIBILEO: Well, that's not
23 going to be allowed for.
24 MS. WILLIAMS: I hope so.
25 MR. DIBILEO: And you shouldn't
0063
01 take what other speakers say personally.
02 MS. WILLIAMS: I don't take it
03 personally.
04 MR. DIBILEO: You said you take it
05 personally.
06 MS. WILLIAMS: Well, maybe I do,
07 but it's not right. You as a Council president have
08 that gavel and you have that power to stop that.
09 MR. DIBILEO: I hit it twice
10 tonight. Thank you very much. Are there any other
11 speakers?
12 MR. SLEDZINSKI: I want to say one
13 thing about the booster club, this jacket I got
14 tonight, Mark bought this for me, DeAntona. Thank you
15 very much, guys. Thank you.
16 MR. DIBILEO: Thank you.
17 MS. STOKER-O'MALLEY: Good
18 evening, Council. I made it across town after a
19 basketball game.
20 MR. DIBILEO: Good evening.
21 MS. STOKER-O'MALLEY: How are you?
22 I come tonight regarding Moltke Avenue in regards to
23 the drainage correction and ice removal.
24 As a result of the rain, snow and
25 mountain runoff, large amounts of water flow over paved
0064
01 surfaces area on Moltke Avenue in a lot of different
02 places.
03 This water does not properly drain
04 and causes severe puddles in the warmer months, and
05 large ice potholes and deposits in the winter.
06 The road is not pitched properly
07 and there's no gutters for drainage, and the result of
08 this is treacherous and very dangerous driving
09 conditions in the winter months, and a lot of the
10 flooding over the road and in basements when the
11 weather is warmer.
12 The residents of Moltke Avenue
13 request that Council be aware of this condition,
14 request that the drainage problem in the spring of this
15 year and that the snow and ice removal be constant,
16 consistent until this problem can be rectified.

17 I know that a lot of people are
18 aware of it, and probably Mr. Courtright has been up
19 there.

20 MR. COURTRIGHT: We went there
21 more than a month ago because of how bad it got, and
22 the DPW came up with backhoes and dump trucks and got
23 it out of there, and then I was made aware it happened
24 again.

25 I don't know what they can do
0065

01 there. I think it's a big undertaking to try to fix
02 that problem.

03 MS. STOKER-O'MALLEY: This is
04 still part of the East Mountain fix. Where you are
05 rerooting this water, we're the ones that are taking
06 the backlash for it.

07 Up further on the mountain, the
08 1500 block of Maple, okay, you opened up the road, and
09 since then, we've had twice the water. This isn't a
10 recent thing. It's only since you're rerooting all the
11 water on East Mountain Road and Maple and, you know,
12 further up.

13 MR. COURTRIGHT: You know, maybe,
14 Jay, we can ask Mr. Parker to go up there with us and
15 take a look.

16 When the initial problem happened
17 this winter, I had gone up there, and I said the DPW
18 came up with backhoes, dump trucks and, you know, it's
19 a big undertaking.

20 I know it's happened again, but if
21 you believe that, you know, it's worse now, we'll ask
22 Mr. Parker if he can take a look at it and see why it's
23 happening.

24 MS. STOKER-O'MALLEY: See, this
25 problem is consistent and constant. Like, you were up
0066

01 there once and did everything --

02 MR. COURTRIGHT: Well, I was up
03 there more than once, but, I mean --

04 MS. STOKER-O'MALLEY: This is,
05 like, it's right back to where it was --

06 MR. COURTRIGHT: I'm not an
07 engineer.

08 MS. STOKER-O'MALLEY: -- if not
09 worse. I've brought pictures, I can show you.

10 MR. COURTRIGHT: I've seen it.

11 I'm not saying that we cured the problem. We tried to
12 fix what had happened, and -- not we, I didn't do

13 anything, but DPW, and I guess they're going to have to
14 try to take a look at it for a permanent solution.

15 I'm not saying they had a
16 permanent solution, they just tried to fix the problem
17 at hand.

18 MS. STOKER-O'MALLEY: It seriously
19 needs to be.

20 MR. COURTRIGHT: We'll ask Mr.
21 Parker if he can take a look at it.

22 MS. STOKER-O'MALLEY: I mean, in
23 the, like, for now, the winter months, this ice
24 build-up, you saw it, it's at least a foot deep. If
25 you need a fire tuck, an ambulance or a police officer
0067

01 right there, you ain't going to get it.

02 MR. COURTRIGHT; We have the same
03 problem on Dale Avenue over in the West Mountain area,
04 it's a drainage problem.

05 MS. STOKER-O'MALLEY: I mean,
06 we're driving on people's private properties to get
07 through. I mean, this is -- it really seriously has to
08 be looked into. This is not a quick fix, it's not.

09 MR. COURTRIGHT: No, it isn't.

10 MS. STOKER-O'MALLEY: It's not a
11 quick fix. But this is part of the East Mountain
12 thing, it definitely is. When you rerouted water, you
13 rerouted it to us.

14 MR. COURTRIGHT: And that, I'm not
15 aware of. I would have to refer to Mr. Parker for
16 that. I'm not an engineer.

17 MS. STOKER-O'MALLEY: Well, please
18 check into it.

19 MR. COURTRIGHT: I will ask him if
20 he can take a look.

21 MS. STOKER-O'MALLEY: And we have
22 a petition, do you want the petition?

23 MR. COURTRIGHT: You can give it
24 to Kay. I'm well aware of, and I don't want to say the
25 people's names on the air that have called me, but
0068

01 people have called on your behalf.

02 MR. O'MALLEY: I know DPW has
03 received hundreds of calls, hundreds. I mean, I have
04 60 on signatures of homeowners.

05 MR. COURTRIGHT: If you can give
06 them to Kay.

07 MS. STOKER-O'MALLEY: This is from
08 the residents that live and have to pass this every

09 single day going to and from work or whatever, and this
10 is ridiculous.

11 MR. COURTRIGHT: I'll do my very
12 best to see if he can get up there and take a look at
13 it.

14 MS. STOKER-O'MALLEY: Thank you
15 very much.

16 MR. COURTRIGHT: You're welcome.

17 MS. STOKER-O'MALLEY: Thank you,
18 Council.

19 MR. DIBILEO: Thank you. You're
20 welcome. Thank you, Mr. Courtright. Are there any
21 other speakers? If not, Mr. Walsh.

22 MR. WALSH: 5-A, motions.

23 MR. DIBILEO: Mrs. Evans, do you
24 have any motions or comments this evening?

25 MS. EVANS: Yes. Jay, have we
0069

01 received the NDC file that I requested of Ms. Hailstone
02 during the public caucus of January 20?

03 MR. SAUNDERS: No. We sent a
04 letter down to the administration on Monday, I believe,
05 and have not received anything as of yet.

06 MS. EVANS: You might want to
07 perhaps give the office a call and just to let them
08 know that I don't feel that I can suitably cast my vote
09 on the issue until I'm able to see that file.

10 MR. SAUNDERS: I will call down
11 there tomorrow.

12 MS. EVANS: Thank you. And with
13 regard to the position stated by Attorney Kelly
14 regarding deeds to Nay Aug Park, I found the statements
15 to be predictable, anemic, and most importantly
16 unsound.

17 Predictable, in that certainly the
18 opinion of the Recreation Authority's attorney must
19 reflect and defend the decisions of the Authority;
20 anemic, because reading the minds of the dead is at
21 best a highly questionable line of defense, and most
22 importantly, unsound, if charging fees at Nay Aug Park
23 is prohibited by virtue of restrictive clauses
24 contained in deeds, it matters not whether the practice
25 has been exercised for five years or 100 years. It is
0070

01 wrong.

02 Therefore, Attorney Walsh, I would
03 like to see a declaratory action brought on behalf of
04 this Council to the court in order for the court to

05 declare all rights and interpretations on the charging
06 of fees at Nay Aug, and in the interim, I certainly
07 wouldn't want to see the park closed, but perhaps we
08 might consider a TRO, a temporary relief order, until
09 the court is able to offer a declaratory judgment.

10 MR. WALSH: Are you asking for my
11 opinion on that or --

12 MS. EVANS: I will ask for, yes,
13 your position.

14 MR. WALSH: Again, as I had
15 indicated before, probably the best case scenario for
16 the pool is that Mr. Kelly is right. I hope he is, in
17 sense that if he is right, then, you know, everything
18 is okay.

19 I have read the language of
20 certain deeds, and, again, certain language may be
21 subject to different interpretation.

22 My suggestion before we do
23 anything of a legal nature would be to receive exactly
24 what Attorney Kelly's opinion is, because we may very
25 well receive Attorney Kelly's opinion and agree with it
0071

01 or we may receive it and disagree with it.
02 But my strong suggestion would be
03 that we at least get that opinion before we take any
04 action. Again, I understand what you're saying because
05 you probably read the same article that I read, but,
06 again, as I had indicated before, not to sound like a
07 broken record, but although I have great respect for
08 the journalistic integrity of the Scranton Times,
09 errors do happen, we don't have anything official from
10 the Recreational Authority, and I would think that
11 prudence would dictate that we wait to get something
12 from the Recreation Authority before we commence any
13 legal action. That's simply my opinion, but of course
14 the Council are my bosses, and --

15 MS. EVANS: Should we not receive
16 an opinion in writing, because that has occurred prior
17 to the seating of this Council, that solicitors for
18 authorities refuse to commit their opinions to writing.

19 MR. WALSH: I could be wrong, but
20 I do believe that the Recreation Authority voted to
21 require that Mr. Kelly give them an opinion with
22 respect to this issue.

23 I would assume, and, again, maybe
24 I shouldn't do that, but I would assume that that
25 opinion would be reduced to writing.

0072

01 If indeed it's not reduced to
02 writing, I assume the opinion would be given to the
03 Council publicly and verbally, and I believe their
04 meetings are conveyed by television, as well, so we
05 would receive that in that way.
06 But, again, my strong suggestion
07 would be to see exactly what the opinion is. As I've
08 indicated many times with respect to legal issues,
09 reasonable minds will differ and we'll see exactly what
10 that legal opinion is.
11 And if at the time we receive that
12 opinion, we disagree with it or we feel that there's
13 problems, then perhaps Council could examine what
14 avenues it can take to remedy any potential problems
15 that it sees.
16 If it was my understanding from
17 the beginning of this dilemma that the issue was
18 brought to the attention of council and that Council
19 did not want to create problems, they wanted to simply
20 investigate them to make sure that if in dead a problem
21 existed, that they took proper action to protect what
22 is considered a very valuable asset for the city.
23 And, again, that would be my suggestion with respect to
24 that issue.
25 MS. EVANS: Well, that's why I
0073
01 made the suggestion. It isn't to be problematic, but
02 rather to insure the safety and security of Nay Aug
03 Park.
04 And it seems that, as you
05 mentioned earlier, you, yourself, said that the
06 language is open to interpretation so widely by various
07 attorneys that it would seem that a judge having read
08 and considered all of the evidence, the deeds, the
09 restrictive clauses, the positions of various city
10 attorneys, a judge could then offer a declaratory
11 judgment that would solve the entire situation, it
12 would seem.
13 MR. WALSH: Certainly. And,
14 again, a declaratory judgment action is an action
15 brought in court for the Judge to answer a question and
16 possibly a public concern, but the question that would
17 come up is whether or not the issue is right for
18 adjudication by a judge, when we haven't as of this
19 time received the opinion, at least officially from the
20 Recreational Authority.
21 That's why my suggestion would be
22 to see exactly what it is that they say. And, again,

23 once we get that opinion, we may agree with it
24 250 percent or we may disagree.

25 If there's a disagreement that the
0074

01 Council believes could somehow impact upon a valuable
02 asset in the city, then perhaps at that time we could
03 explore whatever avenues it is that Council could take.

04 Again, as I think that you may
05 know better than anybody, Mrs. Evans, we had issues
06 with respect to what the obligations and the duties and
07 the rights are of the Council and of the mayor, and I
08 think it was concluded, and I think I reduced to
09 writing that we're the legislative branch and we pass
10 laws that the mayor, the executive branch, and that he
11 forces the laws.

12 So, I think it would probably be
13 within the parameters of his function to file that
14 declaratory judgment action, if indeed an asset is in
15 danger.

16 Again, there are ways to make that
17 happen, if indeed that's something that should take
18 place. But as for right now, I don't think we've
19 received anything official; therefore, it may not be
20 ripe. I think we will probably be receiving something
21 soon, and we should address it maybe at that time.

22 MS. EVANS: Do you recall the date
23 you sent the information to Attorney Kelly?

24 MR. WALSH: Not the exact date,
25 but I sent it during this week past week, all of the
0075

01 deeds and everything that I have to Attorney Kelly.
02 I had given him one of the initial
03 deeds long ago, but since I gave him that deed, I had
04 commissioned a search on that particular piece of
05 property; wherein, I acquired a map and a couple of new
06 deeds.

07 And I just got those recently, as
08 the Council knows, because I think I had indicated to
09 the Council last week that I had just gotten them. So,
10 I problem would have gotten those shortly before last
11 week's meeting.

12 And during this past week, I sent
13 all of those things both to the legal department and to
14 Attorney Kelly. I do believe, though, that they
15 possibly may have everything that I have, because they
16 were speaking about those deeds, so they may have
17 already had them. I don't know whether they had all
18 the documents that I do have, though.

19 So, one of the deeds long ago, and
20 the rest of the information right after the Council
21 meeting last week, sometime between tonight and last
22 week.

23 MS. EVANS: And I would suggest
24 that we set a time line on this project because now
25 we're into February and the weeks and the months, they
0076

01 pass very quickly, and too many issues, in my opinion,
02 have been allowed to linger in the wind, and I think
03 that, you know, this is an issue that does need to be
04 settled so that the park is not in jeopardy during
05 those seasons when it's most often utilized.

06 And I do recognize that, you know,
07 bringing declaratory action can require time, and
08 that's why I'm asking you to be cognizant of the time,
09 and I do believe right now we should set a date that
10 these attorneys may respond by, and then Council
11 naturally would have its time to, and our solicitor, as
12 well, to review these documents, but then to proceed
13 appropriately.

14 And it just appears an outgrowth
15 of what I had suggested months ago, getting an
16 independent legal opinion. And since there's really
17 been no movement on that issue, I think a judge may in
18 this area may be best suited to making the final
19 decision in this area.

20 MR. WALSH: I know that you had
21 indicated, and I think it was publicly, and perhaps
22 other Council members that you wanted to know whether
23 or not any lawyers would do that for free, and that
24 they should call, I just want to let you know this
25 evening that none of them flocked to answer that
0077

01 question.

02 MS. EVANS: Oh, we knew that.

03 MR. WALSH: That being the fact,
04 my suggestion, again, would be to get that opinion, but
05 I think one thing that might be beneficial is it was
06 sent to the City of Scranton's solicitor, we could
07 probably make a motion to ask him to give us a written
08 opinion with respect to that, and also make a motion to
09 direct Mr. Saunders to send a letter to Mr. Kelly for
10 any opinion he's rendering to the Rec. Authority.

11 Now, there's an attorney/client
12 privilege there, and he may not divulge that or he may.
13 The Recreational Authority, I would assume, would want
14 to put Council's mind at ease, if indeed they have good

15 news.

16 So, I think if Mr. Saunders gets
17 in touch with the Rec. Authority and ask them for any
18 opinion that they may receive, because it does have
19 importance to the public, and perhaps if we ask the
20 legal department for what their opinion is with respect
21 to those issues, at least we have those, and then
22 Council has something besides the information I've
23 provided to look at before they make a decision.

24 And, again, a declaratory judgment
25 action could be construed as premature and not ripe, if
0078

01 indeed we don't have their opinion yet.

02 And, again, I agree with you. I
03 think we have to get the opinion as soon as possible.
04 I don't think it should be long in coming or I don't
05 think it should take too long to get that opinion,
06 since I believe part of the opinion was given publicly
07 in the paper.

08 MR. DIBILEO: Mr. Walsh, what
09 would be a reasonable amount of time we can expect to
10 get something like that, in your opinion?

11 MR. WALSH: At this point, because
12 I've provided the documentation, I think it probably
13 should be very quickly, and also in light of the fact
14 that it appears that the Rec. Authority's lawyer has
15 done research by virtue of the fact that he's spoken
16 with the Scranton Times, it should be very quick.

17 I have no problem calling him
18 again and asking him if he has anything that he can
19 forward to us. I have no problem calling Mr. Farrell
20 to see whether or not they've reviewed the subject
21 matter to forward it to us.

22 I'd say a week, two weeks at the
23 outside if they needed to do additional work would be
24 reasonable. I think it would take more time had they
25 not been given the information that we gave to them.

0079

01 But, you know, hopefully we will get that and we'll all
02 agree. What do you think the chances of that are?

03 But, again, you know, that's a
04 possibility, and I was only be rhetorical, I apologize,
05 but, again, that's, you know, perhaps what we should
06 do, but I'll do what I'm directed to.

07 MS. EVANS: Well, I'll make the
08 motion that letters be sent to each of the individuals
09 requesting a response by February 10, and I make that
10 in the form of a motion.

11 MR. COURTRIGHT: I'll second that
12 motion.
13 MR. DIBILEO: We have a motion on
14 the floor and a second. On the question?
15 MR. COURTRIGHT: On the question,
16 Mr. DiBileo, I agree with what Mr. Walsh says, let's
17 see if we can get an answer from them before we go
18 forward on anything else, and hopefully we will agree.
19 I can't imagine why Mr. Kelly
20 wouldn't forward us his answer as soon as possible, so
21 that's going to be my hope.
22 MR. DIBILEO: Anyone else?
23 MR. POCIUS: I think a week is too
24 short, but you can -- what is it going to hurt?
25 MR. DIBILEO: Okay. In your
0080
01 opinion, you thought a week or two would be reasonable,
02 let's hope that he can try to get to us by next week
03 and try his best.
04 MR. WALSH: I just don't know what
05 would be on his schedule, that's why I suggested two
06 weeks, as well, but whatever the Council's pleasure, we
07 could ask, see if it will come in in a week.
08 MR. DIBILEO: Well, all we can do
09 is ask. I don't want anyone to misconstrue what we're
10 doing here, other than to show our concern about the
11 asset we have at Nay Aug Park.
12 There has been a lot of
13 improvements, and obviously people enjoying it, we
14 don't want to lose it, and that's our concern.
15 If there's no further questions, all those in favor,
16 signify by saying aye.
17 MS. EVANS: Aye.
18 MR. POCIUS: Aye.
19 MR. COURTRIGHT: Aye.
20 MR. DIBILEO: Aye. Opposed? 4-0
21 vote, the ayes have it.
22 MS. EVANS: And I also have just a
23 few new requests this evening that I will give to you,
24 Kay.
25 Paving on Swetland Street and
0081
01 other streets off of Keyser Avenue, and in the interim
02 period, can they please be paved, or not paved, but the
03 potholes repaired?
04 The NDC files, of course. And
05 505 to 507 Electric Street, a number of complaints
06 regarding the condition of the property and violations

07 of ordinances concerning vehicles.

08 I just received this evening the

09 500 block of Jefferson Avenue across from the CYC, no

10 parking signs have been installed, and the individual

11 would like to know why they were installed. And that's

12 all I have.

13 MR. DIBILEO: Thank you,

14 Mrs. Evans. Appreciate that. Mr. Pocius, any motions

15 or comments this evening?

16 MR. POCIUS: Nothing at this time,

17 Mr. President.

18 MR. DIBILEO: Thank you.

19 Mr. Courtright, any motions or comments?

20 MR. COURTRIGHT: Yes,

21 Mr. President. Just a couple here. This past Saturday

22 or Sunday I got a phone call from a gentleman from

23 North Scranton that was extremely pleased by a fireman

24 by the name of Mr. Ferke, who helped him out. He had a

25 situation at his home that I guess could have been

0082

01 deadly, and he didn't know where to turn. He went to

02 the fire station down in North Scranton. Mr. Ferke

03 helped him out, got him the answers he needed to get,

04 and he was extremely grateful and wanted me to publicly

05 thank Mr. Ferke for all his help.

06 I guess we're on the firefighters

07 here tonight. Jim Robinson from West Scranton was in

08 the paper, was on TV, he was off duty, he went in a

09 house and saved some animals, I believe it was, and got

10 the fire department there rather quickly and reverted a

11 really bad problem.

12 And one last thing, a speaker

13 sometimes to the podium here, a firefighter, I just

14 found this out today, he was fighting a fire, I believe

15 it was last night, had a little discomfort, went back

16 to the firehouse, they had to go back out to wet down

17 the fire again, the same discomfort.

18 He's ultimately ended up in the

19 hospital today and he's asking a procedure done, I

20 believe it is tomorrow.

21 So, I just want to wish him the

22 best of luck, and that's Pat DeSarno. So, Pat, we hope

23 you're healing up there. And it's nothing serious.

24 That's all I have.

25 MS. EVANS: And if I can just add

0083

01 to that, what complicates the matter further is that

02 his mother-in-law is also hospitalized, and, well, it's

03 just a very, very difficult time for the family, so I
04 would ask for everyone's prayers for both Mr. DeSarno
05 and Mrs. Swinski.
06 MR. DIBILEO: Thank you,
07 Mr. Courtright and Mrs. Evans. And I was not aware of
08 that. Our best wishes go out to both Mr. DeSarno and
09 his mother-in-law for hopefully a speedy recovery.
10 Thank you.
11 I just have two comments.
12 Normally this time of year, the past couple of years,
13 we hear about a topic that has been popping up, and
14 that is regarding the pride of Scranton, and I just
15 want to say that I actually went to see the pride of
16 Scranton last week, I'm talking about Jerry McNamara,
17 none other than Jerry McNamara from North Scranton.
18 I took a bus trip up there, 55
19 people. We had 30 children under the age of 11 and
20 under, and 25 adults, and it was during the snow storm
21 on January 22, of all days. We almost cancelled the
22 trip, but we still made it. Just very slowly went up,
23 and even more slowly came back.
24 Jerry didn't disappoint anybody.
25 He had no points in the first half, but had 16 or 19
0084
01 points in the second half, and the kids really enjoyed
02 themselves, and he's giving us a lot of excitement.
03 And I tell people, you know, after
04 next year, what are we going to do without being able
05 to take these bus trips up to Syracuse that we take?
06 So, Jerry's doing a great job and we're very proud of
07 him.
08 Secondly, just to mention that we
09 take a lot of calls in our City Council office. People
10 may not be aware of the numbers of calls we get, and I
11 would say that just about every one of them are from
12 people seeking help in one way or another.
13 And we're only a three-person
14 office these days. Mr. Saunders and Kay, and also
15 Neil, and they're doing a great job giving people the
16 help that they're seeking.
17 We may not be able to do it
18 overnight, but we're giving them help as quickly as we
19 can. It was mentioned tonight that people should call
20 our City Council office to give compliments of the
21 administration, and we certainly would welcome all
22 calls.
23 We welcome compliments from
24 anyone, as long as it doesn't slow down or prevent us

25 from giving the people the help that they need. So,
0085

01 let's get the people help, and then after that, we'll
02 take as many calls complimenting the administration
03 that we can and anyone is welcome to call us and come
04 here.

05 MS. EVANS: Can I begin the
06 complimenting process?

07 MR. DIBILEO: Sure.

08 MS. EVANS: I'd like to compliment
09 the mayor. I feel that more than any other individual
10 I've encountered, he has the ability to get things
11 done, and he gets them done very rapidly, and I admire
12 that, and I only wish that City Council were able to
13 follow that example and do the same, because there's
14 much to be said about getting things done and getting
15 them done in a timely fashion. People appreciate that,
16 people notice. And, again, he has my congratulations
17 on that.

18 MR. DIBILEO: And there's your
19 first compliment. So, thank you, Mrs. Evans. And
20 that's all I have under fifth order.

21 MR. WALSH: 5th order. 5-B, FOR

22 INTRODUCTION - AN ORDINANCE - AMENDING FILE OF COUNCIL
23 NO. 231, 2003, AN ORDINANCE ENTITLED 2004 OPERATING
24 BUDGET BY TRANSFERRING \$10,342.47 FROM ACCOUNT
25 NO. 01.401.15230.4299 (TAN SERIES A) AND \$1,657.53 FROM
0086

01 ACCOUNT NO. 01.401.10140.4299 (CIVIL SERVICE COMMISSION
02 OPERATING EXPENSES) FOR A TOTAL TRANSFER AMOUNT OF
03 \$12,000.00 TO ACCOUNT NO. 01.051.00082.4446 (CITY
04 STEAM).

05 MR. DIBILEO: At this time I'll
06 entertain a motion that Item 5-B be introduced into its
07 proper committee.

08 MR. POCIUS: So moved.

09 MR. COURTRIGHT: Second.

10 MR. DIBILEO: On the question?

11 All those in favor, signify by saying aye.

12 MR. POCIUS: Aye.

13 MS. EVANS: Aye.

14 MR. COURTRIGHT: Aye.

15 MR. DIBILEO: Aye. Opposed? The
16 ayes have it and so moved.

17 MR. WALSH: 5-C, FOR INTRODUCTION

18 - AN ORDINANCE - AMENDING FILE OF COUNCIL NO. 189,
19 2003, AN ORDINANCE ENTITLED SALE OF TAX DELINQUENT
20 PROPERTY AT PIKE, IRON AND SENECA STREETS, SCRANTON,

21 PENNSYLVANIA TO SALE OF TAX DELINQUENT PROPERTY AT HB
22 ROCKWELL TR, SCRANTON, PENNSYLVANIA, TO LCL MORGAN 2
23 ASSOCIATES, LLC, 322 ROUTE 46 WEST PARSIPPANY, N.J.
24 07054-2397 FOR THE SUM OF \$14,000.00.

25 MR. DIBILEO: At this time I'll
0087

01 entertain a motion that Item 5-C be introduced into its
02 proper committee.

03 MR. POCIUS: So moved.

04 MR. COURTRIGHT: Second.

05 MR. DIBILEO: On the question?

06 All those in favor, signify by saying aye.

07 MR. POCIUS: Aye.

08 MS. EVANS: Aye.

09 MR. COURTRIGHT: Aye.

10 MR. DIBILEO: Aye. Opposed? The

11 ayes have it and so moved.

12 MR. WALSH: 5-D, FOR INTRODUCTION

13 - A RESOLUTION - AUTHORIZING THE MAYOR AND OTHER

14 APPROPRIATE OFFICIALS FOR THE CITY OF SCRANTON TO ENTER

15 INTO A SUB GRANT AGREEMENT WITH NEIGHBORHOOD HOUSING OF

16 SCRANTON REGARDING THE EMERGENCY HOUSING REPAIR

17 PROGRAM.

18 MR. DIBILEO: At this time I'll

19 entertain a motion that Item 5-D be introduced into its
20 proper committee.

21 MR. POCIUS: So moved.

22 MR. COURTRIGHT: Second.

23 MR. DIBILEO: On the question?

24 All those in favor, signify by saying aye.

25 MR. POCIUS: Aye.

0088

01 MS. EVANS: Aye.

02 MR. COURTRIGHT: Aye.

03 MR. DIBILEO: Aye. Opposed? The

04 ayes have it and so moved.

05 MR. WALSH: 5-E, FOR INTRODUCTION

06 - A RESOLUTION - AUTHORIZING THE MAYOR AND OTHER

07 APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO

08 SUPPLEMENTAL REIMBURSEMENT AGREEMENT NUMBER 048511-A

09 WITH THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF

10 TRANSPORTATION TO INCREASE CONSTRUCTION FUNDING TO PAY

11 FOR THE SCRANTON "K" ROUTES PROJECT.

12 MR. DIBILEO: At this time I'll

13 entertain a motion that Item 5-E be introduced into its
14 proper committee.

15 MR. POCIUS: So moved.

16 MR. COURTRIGHT: Second.

17 MR. DIBILEO: On the question?

18 Mr. Saunders, were you able to get a little more
19 information regarding this yet? I just asked you this
20 afternoon.

21 MR. SAUNDERS: No, I didn't get
22 the information on it that we're actually looking for.
23 I do believe this is an 80/20, 80 being paid by the
24 state and 20 percent by the city. I don't know where
25 the funds are going or where they're coming from, so
0089

01 I'm going to have to check into that tomorrow.

02 MR. DIBILEO: Okay. We'll look

03 into it this week.

04 MR. POCIUS: We handle these
05 things all the time. This is a reimbursement
06 agreement. Basically what it does is this is for the
07 construction of the K route streets last week. There
08 was a problem when the budget was set up, there was
09 insufficient funds in the budget, so what they're doing
10 is just adjusting the funds, the cost of the
11 Commonwealth cost, plus our costs, plus the federal
12 municipal share, so this is a 80/20 match, so it's
13 increasing the funding levels inside the agreement so
14 they match what was actually put on the ground out
15 there this past year. It's common. It just keeps the
16 federal bookkeeping work-up with the state for the
17 auditors and everything like that.

18 MR. DIBILEO: Thank you,

19 Mr. Pocius. Just late this afternoon I asked
20 Mr. Saunders if he would try to contact Mr. Farrell, so
21 we'll get that information actually so we have it.

22 Any other questions? All those in favor, signify by
23 saying aye.

24 MS. EVANS: Aye.

25 MR. POCIUS: Aye.

0090

01 MR. COURTRIGHT: Aye.

02 MR. DIBILEO: Aye. Opposed? The
03 ayes have it and so moved.

04 MR. WALSH: Sixth order. 6-A,

05 READING BY TITLE - FILE OF COUNCIL NO. 102, 2005 - AN
06 ORDINANCE - SALE OF TAX DELINQUENT PROPERTY AT 2126
07 JACKSON STREET, SCRANTON, PENNSYLVANIA, TO GREGORY GULA
08 AND CARLENE GULA, 2122 JACKSON STREET, SCRANTON,
09 PENNSYLVANIA, 18504 FOR THE SUM OF \$3,000.00.

10 MR. DIBILEO: You've heard reading

11 by title of Item 6-A. What is your pleasure?

12 MR. POCIUS: Mr. President, I move

13 that 6-A pass reading by title.
14 MR. COURTRIGHT: Second.
15 MR. DIBILEO: On the question?
16 All those in favor, signify by saying aye.
17 MR. POCIUS: Aye.
18 MS. EVANS: Aye.
19 MR. COURTRIGHT: Aye.
20 MR. DIBILEO: Aye. Opposed? The
21 ayes have it and so moved.
22 MR. WALSH: 6-B, READING BY TITLE
23 - FILE OF COUNCIL NO. 103, 2005 - AN ORDINANCE -
24 AMENDING THE ADMINISTRATIVE CODE OF THE CITY OF
25 SCRANTON, AS CODIFIED SECTION 6-13 - APPROPRIATION,
0091
01 OTHERWISE REFERRED TO AS ARTICLE VI, SECTION
02 602-APPROPRIATION, WITHIN FILE OF THE COUNCIL NO. 66,
03 1984, AN ORDINANCE, AS AMENDED, AND WITHIN FILE OF
04 COUNCIL NO. 29, 1994, AN ORDINANCE, THEREBY AMENDING
05 FILE OF THE COUNCIL NO. 195, 2003 TO THE EXTENT IT IS
06 INCONSISTENT HEREWITH.
07 MR. DIBILEO: You've heard
08 reading by title of Item 6-B. What is your pleasure?
09 MR. COURTRIGHT: Mr. Chairman, I
10 move that Item 6-B pass reading by title.
11 MS. EVANS: Second.
12 MR. DIBILEO: On the question?
13 All those in favor, signify by saying aye.
14 MS. EVANS: Aye.
15 MR. COURTRIGHT: Aye.
16 MR. DIBILEO: Aye. Opposed?
17 MR. POCIUS: No.
18 MR. DIBILEO: By a 3-1 vote, the
19 ayes have it and so moved.
20 MR. WALSH: Seventh order. 7-A,
21 FOR CONSIDERATION BY THE COMMITTEE ON PUBLIC WORKS -
22 FOR ADOPTION - RESOLUTION NO. 124, 2005 - AUTHORIZING
23 THE EXTENSION OF THE SEWER LINES TO INCLUDE NINE (9)
24 RESIDENTIAL UNITS ON RIPPLE STREET WHICH CURRENTLY HAVE
25 ON-LOT SEWAGE AND TO AUTHORIZE THE CONNECTION OF THIS
0092
01 SEWER EXTENSION TO THE EXISTING SEWER LINE AT THE
02 INTERSECTION OF RIPPLE STREET AND CEDAR AVENUE.
03 MR. DIBILEO: What's the
04 recommendation of the chairperson for the committee on
05 public works?
06 MR. POCIUS: I move for final
07 adoption of 7-A.
08 MR. COURTRIGHT: Second.

09 MR. DIBILEO: On the question?
10 Roll call, please, Kay.
11 MS. GARVEY: Mr. McTiernan.
12 Mrs. Evans.
13 MS. EVANS: Yes.
14 MS. GARVEY: Mr. Pocius.
15 MR. POCIUS: Yes.
16 MS. GARVEY: Mr. Courtright.
17 MR. COURTRIGHT: Yes.
18 MS. GARVEY: Mr. DiBileo.
19 MR. DIBILEO: Yes. I hereby
20 declare Item 7-A legally and lawfully adopted.
21 Seeing no further business, I'll entertain a motion we
22 adjourn.
23 MR. POCIUS: So moved.
24 MR. COURTRIGHT: Seconded.
25 MR. DIBILEO: We're adjourned.

0094

01 C E R T I F I C A T E

01

02

02 I hereby certify that the proceedings and
03 evidence are contained fully and accurately in the
03 notes taken by me on the hearing of the above cause and
04 that this copy is a correct transcript of the same to
04 the best of my ability.

05

05

06

06

07

07

08 _____
08 LISA M. GRAFF, RPR

08 OFFICIAL COURT REPORTER

09

09

10

10

11

11

12

12

13

13

14

14

15

15

16
16
17
17
18
18
19
19
20
20
21
21
22
22
23
23
24
24
25
25